

the same has been located in two surveys; read 2d time and referred to committee on Public Lands.

A bill to authorize the Commissioner of the General Land Office, to correct errors in field notes; read 2d time and referred to committee on Public Lands.

A bill to authorize the Corporation of the city of Galveston, to levy a tax for the support of free schools; read 2d time and ordered to be engrossed.

A bill to authorize the Commissioner of the General Land Office, to issue to Horatio M. Hanks and Simpson Holloway, a certificate &c.; read 2d time and laid on the table.

Senator Parker, Chairman *pro tem.* of committee on Finance, reported a bill regulating proceedings against persons accountable for public monies, without amendments, and recommended its passage.

Senator Wallace offered the following amendment: insert in section 2d, after the word "suit" "upon proof of such failure."

On motion the bill was laid on the table.

Senate adjourned until 10 o'clock to-morrow morning.

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SENATE CHAMBER, }  
THURSDAY, MARCH 19, 1846. }  
10 O'CLOCK, A. M.

Senate met, pursuant to adjournment—roll called and a quorum present—

The Journal of the preceding day was read and adopted.

Senator Scott, Chairman of the committee on Engrossed Bills, reported that the committee had examined a bill to authorize the corporation of the city of Galveston to levy a tax for the support of free schools; and find the same correctly engrossed.

Senator Hogg, Chairman of the Judiciary committee, to whom was referred a bill defining the duties of Attorney General of the State of Texas, reported the same with the following amendments:

In section 1, fifth line, strike out the word "shall" and insert after the word "also" in same line the word "to."

In section 4, fourth line, strike out the word "he" and insert the words "the Governor."

Additional section.

*Be it further enacted*, That it shall be the duty of the Attorney General of this State, to file the petition or information, and institute legal proceedings against all colony contractors who may have entered into contracts with any President of the Republic of Texas; which proceedings may be commenced in any District Court, in any county where the whole or any portion of territory embraced in any colony may be situate.

Amendments adopted, and bill passed to a 3d reading.

Also, to whom was referred a bill, defining the duties of District Attorneys, reported the same back to the Senate with the following amendments, and recommended its passage:

Substitute for 1st section—

*Be it enacted by the Legislature of the State of Texas*, That each District Attorney, before entering upon the duties of his office, shall give a bond payable to the Governor of the State of Texas and his successors in office, for the use of the State, in the sum of two thousand dollars, to be approved of by the District Judge of their respective districts, with not less than two good securities, conditioned that he will faithfully pay over in the manner prescribed by this act, all money which he may collect for the use of the State or any county; which said bond shall not be void on the recovery of a part or the whole of the penalty thereof, but may be sued on from time to time, and shall be deemed to extend to the faithful performance of the duties of his trust; and shall take and subscribe the oath prescribed by the constitution, which, together with the bond, shall be deposited in the office of the Comptroller of Public Accounts of this State. Adopted.

In section 2d, seventh line, strike out the word "is," and insert "shall be." Adopted.

In section 2d, fourth line, after the word "prosecution" insert "the recovery of penalties, forfeitures and escheats, and defend all cases of divorce."

Senator Phillips moved to insert after the word, "divorce" "proceeded in *ex parte*."

The yeas and nays being called for, stood thus:

*Yeas.* Senators, Bourland, Brashear, Burleson, Cuney, Grimes, Kinney, McKinney, Navarro, Phillips, Scott, and Wood—11.

*Nays.* Senators, Bagby, Hogg, Jewett, McNeel, Miller, Parker, Robinson, Wallace and Williams.—9.

Senator Scott moved to strike out the word "divorce," and the yeas and nays being called, stood as follows:

*Yeas.* Senators, Bourland, Kinney, McKinney, Navarro, Scott and Wood.—6.

*Nays.* Senators, Bagby, Brashear, Burleson, Cuney, Grimes, Hogg, Jewett, McNeel, Miller, Parker, Phillips, Robinson, Wallace and Williams.—14.

Lost, and amendment of the committee as amended, adopted.

In section third, strike out all after the word "law" in fifth line; adopted. In section tenth add "or to the county;" adopted.

Additional section.

*Be it further enacted,* That all District Attornies shall reside within the District to which they may severally be appointed. Adopted.

Senator Jewett offered the following, to come in as an additional section:

*Be it further enacted,* That no admission made by the District Attorney, in any suit or action in which the State is a party, shall operate to prejudice the interest of the State.—Adopted.

Senator Wallace offered the following as an additional section:

*Be it further enacted,* That should any person who has been elected District Attorney fail during one month next succeeding his election, to enter into bond as required by this act, it shall be the duty of the Judge of the District Court of said District, to appoint some other competent person to discharge *pro tem.*, the duties by this act assigned to said officer, *provided however,* that such appointment shall in no instance extend beyond the term of said District Court, in any one county.

Senator Williams moved to amend, by striking out "within one month" and inserting "on or before the first day of the first term of the first District Court in his District;" adopted and on motion the bill was laid on the table.

Senator Robinson introduced a bill, to alter the manner of conducting all elections by the people; read 1st time.

A message was received from the House, requesting the withdrawal of the last message from the House, upon the subject of the bill authorizing the Governor of the State of Texas to cede certain property to the United States; also informing the Senate that the House had stricken out of said bill as originally passed by the Senate, all after the word

"Texas" in tenth line of first section, and with that amendment passed the bill; also the passage of a bill authorizing the Governor to make necessary preparations to cede all custom-Houses &c., to the United States; also that the House had receded from the fifth amendment to a bill creating the county of Hopkins—that they had adopted Jefferson's manual as the standing rules where the rules heretofore adopted are silent; also transmitting the following bills:

A bill to repeal an act to provide for the establishment of peace, to and regulate intercourse with Indians—approved 14th January, 1843.

A bill to create and organize the county of Tyler.

A bill to create the county of Calhoun.

A bill to provide for the location of the county seat of Calhoun county.

A bill to release the county of Fannin, of a certain portion of the debt due to citizens of that portion of the said county, now the county of Grayson, and requesting the concurrence of the Senate—and had passed:

An act to authorize parties to suits to appear therein in person—with amendments.

#### ORDERS OF THE DAY.

A bill to repeal an act to provide for the establishment of peace and the maintenance of friendly intercourse with Indians; read 1st time.

A bill to create and organize the county of Tyler; read 1st time.

A bill to create the county of Calhoun; read 1st time.

A bill to release the county of Fannin of a certain portion of the debt due to the citizens of that portion of the said county, now the county of Grayson; read 1st time.

A bill to authorize the corporation of the city of Galveston, to levy a tax for the support of free schools; on motion laid on the table

A bill to create and organize the county of Panola; amended, read 3d time and passed.

A bill to enable the County Surveyor of Rusk county, to make a complete map of said county; read 3d time and passed.

A bill to create the county of Comal; read 3d time and passed.

A bill to establish the county seat of Comal county; read 3d time and passed.

A bill to organize Justices Courts, and to define the powers and jurisdiction of the same; was taken up by sections.

Senator Robinson moved to strike out the eighth section—lost.

Senator Robinson moved to strike out the words “to the State” wherever they occur in the twelfth section, and insert “for the use of the county.”

The yeas and nays being called for, stood thus:

*Yeas.* Senators, Bourland, Brashear and Robinson—3.

*Nays.* Senators, Bagby, Burleson, Cuney Grimes, Hogg, Jewet, McKinney McNeel, Miller, Parker, Phillips, Scott, Wallace, Williams and Wood.—15. Lost.

Senator Robinson offered an amendment to come in as a proviso to fifteenth section: *Provided*, That not more than one new trial shall be granted to either party.” Adopted.

Senator Phillips moved to strike out all in said section so far as relates to Justices granting new trials. Lost.

Senator McKinney moved to amend the sixteenth section, by adding “and where the party has no fixed place of board or residence, he may be sued before any Justice of the Peace in the county.” Adopted.

Senator Robinson moved to amend the eighteenth section, by striking out “where the amount in controversy exceeds ten dollars, provided the suit be not on contract.” Lost.

Senator Phillips moved to amend by striking out all in twenty-fifth section which relates to depositions being taken before Justices of the Peace in other counties.” Carried.

Senator Phillips offered the following to come in as section 32: *Be it further enacted*, That all judgments by Justices of the Peace shall be given in open court.” Adopted.

Senator Phillips moved to amend the 33d section, by striking out “the — day of — next” and inserting “the day of the election for county officers, next ensuing in the State.” Adopted, and bill ordered to be engrossed.

A bill for the benefit of religious societies in this State; read and referred to Judiciary committee.

A joint resolution authoring plaintiffs or defendants or their attorneys, to file in the Supreme Court a brief which shall be taken as an appearance; read and referred to Judiciary committee.

A bill to organize the 1st Judicial District; read 2d time and referred to Judiciary committee.

A bill to provide for the location of the county seat of the county of Calhoun; read 1st time.

A bill to fix the boundary of the county of Victoria; read 1st time.

A bill defining the limits and boundaries of Jackson county; read 1st time.

A bill to incorporate the Huntsville Academy; read 1st time.

A bill to define the boundaries of Matagorda county; read 1st time.

A bill to authorize the Governor to make the necessary preparations, to transfer to the United States all custom houses and other places for the collection of import duties; read 1st time.

Amendments of the House, to a bill authorizing parties to suits to appear therein in person, were concurred in. Also to a bill authorizing the Governor to cede to the United States, all of the property of whatsoever description &c.

Senator Scott offered the following resolution:

*Resolved*, That the committee on the Judiciary, be instructed to inquire into the expediency of reporting a bill or bills to restrain the further introduction of settlers, into any Colony under contracts made with the President of Texas, and to allow Colony contractors their premium lands; also to report what Legislation in general, is expedient in the premises.—  
Adopted.

Senate adjourned until to-morrow at 10 o'clock A. M.

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SENATE CHAMBER, }  
FRIDAY, March 20th, 1843. }  
10 O'CLOCK A. M.

Senate met, roll called, and a quorum present.

Journals of the preceding day, were read and adopted.

Senator Scott, Chairman of the committee on Engrossed Bills, reported the following bill correctly engrossed.

A bill to organize Justice's Courts and define the powers and jurisdiction of the same.

Senator Hogg, Chairman of the Judiciary committee, to whom was referred a bill for the appointing and governing pilots of the State of Texas, reported the same back to the Senate with amendments, and recommended its passage.